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**IN THE UNITED STATES DISTRICT COURT
DISTRICT OF MONTANA
BILLINGS DIVISION**

SIGNAL PEAK ENERGY, LLC,

Plaintiff,

vs.

EASTERN MONTANA MINERALS,
INC., and MUSSELSHELL
RESOURCES, LLC,

Defendants and
Counterclaim Plaintiffs,

vs.

SIGNAL PEAK ENERGY, LLC;
FIRSTENERGY CORP.;
FIRSTENERGY VENTURES CORP.;

Case Number: CV 12-55-BLG-RFC

**JOINDER IN COUNTERCLAIM
DEFENDANTS PINESDALE LLC
AND GUNVOR GROUP LTD.'S
MOTION FOR PROTECTIVE
ORDER**

*Filed by Signal Peak Energy, LLC,
FirstEnergy Corp., FirstEnergy
Ventures Corp., FirstEnergy
Generation Corp., Boich Companies,
LLC, WMB Marketing Ventures, LLC,
Global Coal Sales Group, LLC, and
Global Mining Holding Company, LLC*

FIRSTENERGY GENERATION
CORP.; GUNVOR GROUP, LTD.;
PINESDALE LLC; BOICH
COMPANIES, LLC; WMB
MARKETING VENTURES, LLC;
GLOBAL COAL SALES GROUP,
LLC; and GLOBAL MINING
HOLDING COMPANY, LLC,

Counterclaim Defendants.

**JOINDER IN COUNTERCLAIM DEFENDANTS PINESDALE LLC AND
GUNVOR GROUP LTD.'S MOTION FOR PROTECTIVE ORDER**

Counterclaim Defendants Signal Peak Energy, LLC (“SPE”), FirstEnergy Corp., FirstEnergy Ventures Corp., FirstEnergy Generation Corp., Boich Companies, LLC, WMB Marketing Ventures, LLC, Global Coal Sales Group, LLC, and Global Mining Holding Company, LLC (collectively “Joining Defendants”) hereby join in Counterclaim Defendants Pinesdale LLC (“Pinesdale”) and Gunvor Group Ltd.’s (“Gunvor”) Motion for Protective Order, averring as follows:

1. The Joining Defendants filed Motions to Dismiss the Counterclaims asserted by Eastern Montana Minerals, Inc. and Musselshell Resources, LLC (collectively “EMM”) pursuant to Federal Rule of Civil Procedure 12(b) (“Motions”).
2. Briefing of the Motions was completed on August 29, 2012.

3. The Motions present dispositive questions of law for resolution by the Court. They make clear that this Court lacks personal jurisdiction over all but three of the Joining Defendants, and that there is no legal basis to expand this case from a contractual dispute concerning the basis for calculating Royalties pursuant to a 2008 Coal Lease between SPE and EMM, into a tort-based action involving nine separate entities that are not parties to the Coal Lease. Accordingly, discovery in this matter before the Motions are decided would be premature, burdensome and inefficient.

4. Pinesdale and Gunvor have moved this Court for a Protective Order, pursuant to Rule 26(c), to stay discovery until such time as the Court decides the Motions to Dismiss.

5. Joining Defendants incorporate herein by reference any and all documents filed, and all legal arguments raised in support of, Pinesdale and Gunvor's Motion for Protective Order.

6. The Joining Defendants believe that, once the Motions are resolved, there will remain before the Court a contract-based action between SPE and EMM that will involve a significantly more appropriately tailored and far less burdensome and costly discovery process.

7. Counsel for the Joining Defendants certifies that counsel for Pinesdale and Gunvor has conferred with counsel for EMM, and that EMM opposes the Motion for Protective Order.

WHEREFORE, Counterclaim Defendants Signal Peak Energy, LLC, FirstEnergy Corp., FirstEnergy Ventures Corp., FirstEnergy Generation Corp., Boich Companies, LLC, WMB Marketing Ventures, LLC, Global Coal Sales Group, LLC, and Global Mining Holding Company, LLC respectfully request that the Court enter a protective order, pursuant to Rule 26(c), to stay all discovery until such time as the Court decides the Motions.

DATED this 14th day of September, 2012.

/s/ A. Clifford Edwards

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Ventures, LLC; Global Coal Sales
Group, LLC; and Global Mining Holding
Company, LLC*

CERTIFICATE OF COMPLIANCE

Pursuant to Rule 7.1(d)(2)(e) of the U.S. District Court for the District of Montana, I certify that this document is printed with a proportionately spaced Times New Roman text typeface of 14 points; is double spaced; and the word count calculated by Word is 380 excluding the Caption, Table of Contents, Table of Authorities, Exhibit Index, and Certificate of Compliance.

Dated this 14th day of September, 2012.

/s/ A. Clifford Edwards

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